# ENFORCEMENT LAWS.

Do They Violate the Rights of States?--Are They Constitutional?

Argument of David Dudley Field in the Supreme Court.

AN IMPORTANT DECISION PENDING.

WASHINGTON, March 31, 1875. The case of the United States vs. Cruikshank and two others who have already been convicted of violating the Enforcement act, was taken up in the United States Supreme Court yesterday, continued to-day, and argument upon it is likely to last during the week. The defendants in the original suit were Cruikshank and ninety-six other white citizens of Grant parish, Louisiana, who were indicted for murder, conspiracy to prevent negroes from voting, and for other crimes and misdemeanors under numerous counts. The present parties to the suit, outside of the United States government, are the only original defendants who were convicted of criminal conduct. The question now before the Supreme Court is:-"Is the Congressional legislation enforce the prohibitions of the last three amendments to the constitution compatible with The counsel of orutksuank and his fellows. Messrs. Reverdy Johnson, David Dudiey Field, John A. Campbell and A. H. Marr, of Louisiana, claim that it is not. Arguments were made to-day by Solicitor General Phillips, on the part of the United States, and Messrs. Field, Marr and P. Phillips, on that of the delendants in error. Mr. Field made a forcible argument, of which the following presents its strongest points:-

The argument that I shall have the honor to address to the Court will be confined to the question of compationity between the lederal constitution and the legislation of Congress, which is supposed to authorize the present indictment. It is, indeed, true that if the form of the accusation is not comformable to the act of Congress the desired and it is not comformable to the act of Congress the desired and the second of the accusation is not comformable to the act of Congress the desired and the second of the accusation is not comformable to the present to fail for defect of form, this question is insignificant compared with the other. For my part I shall leave the matter of procedure where it how stands upon the argument and confine myself to the question of conformaty or non-comformity of the act of Congress to the constitution. If the legislation upon which this indictment reast is conformable to the organic law of this country, then it matters little what is or is not decided about the form of proceeding. The substance of American constitutional government, as received from the lathers, will have gone, and the forms will not be heart in following. Let us reduce and The argument that I shall have the honor to ad-American constitutional government, as received from the lathers, will have gone, and the forms will not be long in following. Let us reduce and formulate the question, if we can, so as to separate the incidental from the essential, in order that our attention may be withdrawn from all other considerations than that of the one fundamental and permanent theory upon which this legislation must stand, if it stand at all.

In croser to reduce and formulate the question Mr. Field ran through the provisions and prohibitious of the latest three amendments to the consitution and of the acts which have been passed by Cohgress as "appropriate legislation" to enforce such provisions and prohibitions.

THE CAUSE OF THE SUIT.

force such provisions and prohibitions.

THE CAUSE OF THE SUIT.

By authority of this legislation ninety-seven persons were indicated together in the Circuit Court of the United States for the District of Louisiana, and three of them, the present defendants, were found guilty upon the first sixteen counts. The indictment was found under the sixth and seventh sections of the Enforcement act, sixteen counts being for simple conspiracy under the sixth section and the other sixteen being for conspiracy, with overtacts resulting in marder. This indictment, or that portion of act, sixteen counts being for simple conspiracy unper the sixth section and the other sixteen being for conspiracy, with overt acts resulting in murder. This indictment, or that portion of it upon which these defendants have been convicted, is supposed to be justified by the sixth section of the Enforcement act, and that section is said to rest upon the late amenuments. In considering the question whether it is or is not supported by them. I assume what indeed no one disputes, that before the late amenuments this section, and the same may be said of the other sections, would have been beyond the competency of Congress. The point of contention, therefore, is whether the amenuments have conferred the power. Upon this my first proposition is, that it was not the design of the people in adopting them to change the iundamental character of their government, or to niter the relations between the Union and the States. They intended that the Union should continue to be what it had been before, to use the language, slightly changed, or the late Chief Justice, an indestructiole

districtible

UNION OF INDESTRUCTIBLE STATES.

The events of the last filteen years are no secret.

The origin of the war, the war itself, the questions to which, in its varying process, it gave rise, and its great results, are known of all men, it established the unity of the nation and the treedom of the slaves. Upon the final settlement, It established the unity of the nation and the freedom of the staves. Upon the final settlement, while it was not thought necessary to make any sonstitutional changes in respect to the ciaim of secession and the relation of the States to the Union, it was thought necessary to provide for the equality of the freedinen. In doing this two sources were open; one was to piace them and iff their rights and relations under the cognizance of the seleral power, and the states to leave them as they were, under the sonizance of the States, but to provide that these should make no discrimination to their disadvantage. The latter course was adopted. The articles are congruous and plainly adapted to that end, they all imply that, apart from the prohibitions, recongrava and planty augher to his end, the States have plenary power over the subject, not they leave that power as it was, with the single quantication that it shall treat all alike, the emancipated slaves side or side with their old masters. It was in this respect somewhat like the treaty stipnintion that we often make, agreeing that the nation treating with us shall be put on the footing of the most lavored nations, which while it leaves us at full liberty to make what new treaties or enact what new laws we please, college as to grant to the one what we grant to the others. It was the design of the amendments, and their whole design, to raise the freedmen to an equality with their late mastels before the law and to give the blacks all the rights which the whites were oppressed. There was no misched in that respect facy all imply that, apart from the prohibitions, There was no combilint that the whites were oppressed. There was no mischief in that respect to remedy. They did not used new guarantees and none were intended for them. The complaint to be relieved, the mischief to be remedied, the matches to be provided, had respect to the matches to be provided, had respect to the ately subject race and to that alone. In saying this we of course leave out of view the temporary provisions respecting the treatment of the receis and the rebeil deof. So understood, there is symmetry in the whole of the amendments; they are all conformed to one plan and carry out one great purpose. The general question now is, what may conclude to directed against

what May concluses bo
co enforce the prombitions thus directed against
the States? The particular question upon which
this case debends is whether, under color of enforcing the prombitions, and before any State has
ricated them. Congress can anticipate and preyent their violation by taking into its own hands
the regulation of the whole subject? This may be
andoubtedly one way of accomplishing the object,
fou can prevent a thing being done in a manner
displeasing to you by doing it jourself. Congress
can prevent the States from making a wrong
regulation by itself making all the regulations.
But is that the fair purport of the authority? Is it
the legitimate interpretation of a charter of lederal government, by which power is carefully
partitioned between the Union and the States, to
say that if the former has authority to prevent

the legitimate interpretation of a charter of ledral government. by which power is carefully
partitioned between the Umon and the States, to
say that it the former bas authority to prevent
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AMENDARNIS OF THE LAST BECADE

are reasonably clear: their general purpose is unmistakable: they are laid upon the States, and
Longress has express power to enforce them by
appropriate legislation. So much is housputable.
The dispute Legius when the word appropriate is
to be interpreted. What is and what is not approprime legislation? And who is to judge of the
appropriateless? These are the cardinal questions upon which hinges the decision of the present cause, and with it the determination in no
be
small measure of the future of the country. The
first observation to be made is, that the amendments being made part of the constitution are to
be construed in connection with the excusive
judge of the appropriateness of its legislation to
the end designed; but that there are such inmits,
and beyond them Congress may not pass.

Mr. Pield bere argued that Congress could not
under color of preventing a State from doing cartain taings destroy the State or any of its essenmal attribute. When, therefore, he continued,
by
the sind, as it often is, that Congress is
the exclusive judge of the means to be
chosen for attaining an end, the proposition is
the exclusive judge of the means to be
chosen for attaining an end, the proposition is
the exclusive judge of the means to be
done in the interpreted of the same
and the ascen and, scores of times since by judges
of the Entred States, so it was said by Chief
Justice Nurshall in McCulloch vs. Marjund, and
so it has been and, scores of times since by judges
of this court and other judges, State and tederal.
There are

there any express provision of the constitution which forbids Congress to establish in a State, whose authorities are overthrown, a government like that of Venice, or like that of another of the Italian republics of the Middle Ages? According to the classification of writers on government, Genoa mader its doges, Forence under its dukes and Poland under its kings were republics. Why may not Congress take that form of republican government now existing in France, or that lately existing in Spain, or any of the republican forms of past ages—that, for instance, of the Commonwealth of England under Cromwell, or even that of Poland. There is no reason other than this, that there are certain essential, inherent, incredicable principles of American republican government to which the framers of the constitution referred and by which Congress is bound. And if Congress be thus limited the courts must say so whenever the question is brought before them. What, otherwise, could prevent Congress from establishing in a disorganized State

prevent Congress from establishing in a disorganized State

A GOVERNMENT OF MILITARY DUKES?

In all that I have said I am justified by recent decisions of this Court. Not longer ago than 1803 this Court, speaking by its late Chief Justice, uttered these memorable words, which will live in constitutional history so long as the constitution lives his its vigor:—"Not only, therefore, can there be no loss of separate and independent autonomy to the States through their union under the constitution, but it may be not unreasonably said that the preservation of the States and the maintenance of their governments are as much within the design and care of the constitution as the preservation of the Union and the maintenance of the national government. The constitution, in all its provisions, looks to an indestructible union, composed of indestructible States." (Texas a, White, T Wall, 725.) The only principle that can justify the legislation now in question, if it be justifiable at all, is this: that in the choice of means to prevent a State violating the prombitory clauses of the late amendments Congress may itself do the things which the State would otherwise have done, in order to make sure that they are not done improperly. The States may, every one of them, do what New York and Massachusetts now do, in securing the right of all citizens to vote, without regard to race, color or previous condition of servitude, but for fear that they will not continue to do so Congress may, it is claimed, register the voters and content of the color of the colo ess may, it is claimed, register the voters and serve and count the votes. And if it may do receive and count the votes. And if it may do not it may do not it may do not other thing that is to be done

apon itself to construct and work the whole machinery of elections. And what is true of voting is, as i shall endeavor to show more fully hereafter, true also of every other subject within the scope of these amendments, and that includes almost every subject of government. For what is there in the world for State legislation but "hite, liberty and property," and the "protection of the laws?" It he validity of the present legislation is affirmed one may affirm the validity of itself in the subject concerning life, liberty, property and protection by the law. It is indict to answer that such an attempt with never be made. Who can tell what, in the tell what, in the tell what, in the tell what may not be done or attempted in some of the times to come? One of the most extraordinary phenomena of political history is the tendency of majorities to oppress minorities, and to trample upon all obstructions standing in the way. Whoever has carefully watched the political events of the last decade must have seen a constantly accelerated movement toward the organization and comulation of lederal authority. This has been brought about by the action of good hen as well as bad, in obliviousness of the truth that every New Powers abord from the States. A positical argument addressed from the States. A positical argument addressed to the Supreme Court would, of course, be out of place. Its great but single function is to interpret the law and the constitution, be the consequences what they may. My argument, therefore, will consist of an endeavor to establish the following two propositions:—

First—The natural interpretation of the language of the new amendments does not instity the

therefore, will consist of an endeavor to establish the following two propositions:—

Pirst—The natural interpretation of the language of the new amendments does not justify the present legislation.

Second—It the natural interpretation did justify it, yet, as the language is susceptible of a different one, the latter must be preferred as that alone in which it was understood by the people.

The natural interpretation of the amendments does not justify the legislation. No State—this is the language—shall make orenforce any law which shall abridge the privileges or immunities of citi-

the language—shall make or enforce any law which shall abridge the privileges or immunities of citi-zens of the Unised States, or deprive any person zens of the Unised States, or deprive any person of life, liberty or property, without due process of law, or deny to any person within its jurisdiction the equal protection of the laws; no State shall deny or abridge the right of citizens of the United States to vote, without regard to race, color, or previous condition of servicude. A State is a corporate body, and can act only by its corporate authorities. Until these corporate authorities have acted the State has not violated the prohibition. Congress, therefore, must move after the State, not before it. But as yet no State has moved, so far as we are informed. Failure to provide a remedy for a wrong is not the same as depriving of a right. If it were so, then Congress might examine the codes of the States, and if it found their provisions in-adequate might supplement them. Were a state to repeal a part of its laws for the protection of rights or the punishment of crimes the national government could not supply the deficiency, it could hardly be claimed that these prohibitions require any more of the State Legislatures than would have been required of them if the same had been contained in their own constitutions. Then, surely, their doing no more as an onless cannot give just uccasion for lederal interposition. State inaction, therefore, is of life, liberty or property, without due pro

federal interposition. State maction, therefore, is No Cause For Federal action. There must be affirmative action by a State teading to deprive a citizen of his rights below Congress can interiere. Should a State Legislature attempt to deprive a person of property without due process of law its action would be a nullity. What, in that event, might Congress do 7 Provide legal means for establishing the nullity. What legal means did Congress long ago provide for establishing the nullity of an expost facto law, or a law impairing the obligation of contracts or a bill of attainder? An appeal to the federal courts, has not that proved asequate? The whole question may be stated in these words:—How may Clagress enio ce the nullity of a state law? Guaranty is may be stated in these words:—How may Congress onloce the builty of a State law? Guaranty is not the converse of probibition. The promibitions do not amount to guaranties. They do not require the States to make sure that no man shall be deprived of life, liberty or property without law. The prohibitory amendments act upon the States and not upon individuals. Because the States are interdicted from certain things and Congress may enforce the interdict that does not prove that Congress may do the converse things. Because the States are prohibited it would be a strange inference that Congress is authorized. When the constitution says to the States, "You shall not," that is not the same thing as saying to Congress, "You shall" or "You may." If it were so there would be found a strange omission in the constitution, wide enough to let in many of the mischiels which the prohibitions were intended to mischiers which the prohibitions were intended to remedy. Congress is not by these amendments promitted. It is only the States which are, if in consequence of the prohibition upon the States, Congress can exercise plenary power over the subject, it can do some, indeed many of the very things which the States were forbidden to do. Congress is not forbidden to pass a line abridging the privileges and immunities of citizens or denying to certain persons the equal protection of the laws. But suppose a State, not content with its present laws, to be about to act aggressively and thus to violate the prohibition, we may speculate upon what Congress could, in that event, enact. The means adopted must be appropriate and not

laws. But suppose a State, not content with its present laws, to use about to act aggressively and thus to violate the prombition, we may speculate upon what Congress could, in that event, enact. The means adopted must be appropriate and not prombited. The federal Legislature can act only by statute, to be put in execution by the Executive to do anything against the recalcitivant State? It is difficult to see what it could empower the resident to do.

It must act this difficult to see what it could empower the resident to do.

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It must act this difficult to see what it could empower the resident to the courts to enforce the prombition, that is, to prevent or recrease the violation? The remedy is to mailify the action which the state should not have ordained or permitted. Equality before the law is the general aim of the amendments. That is secured by municying the quantity—that is, for example, by decaring that whatever the Scate grants to its white citizens shall for that reason be also the right of the Dack. This rule would execute itself it most cases. This rule would execute itself it most cases. This rule would execute itself it most cases. Take that clause of the fourteenth amendment which foroids a State to make or enorce a law abringing the privileges and immunities of citizens of the United States. The State chan so for the fourteenth amendment which foroids a state to make on enorce a law up to the fourteenth amendment the state has made such a law the Congress can take steps to enforce the production. What may they be? Not the passing of an act of declare the State law mult; that has already been congress can act has not arrived. When the State has made such a law in the Congress can be provided with the said, that life, therefore, it makes he seed to a law the condition of the law presents of the providing judicial remedies in group and the producti

tions by appropriate legislation, the natural, the vice and the only constitutional mode of enforcement is by judicial remedies to establish and enforcement act assumes that Congress has power to punish a conspiracy to deprive any citizen of the United States of his right to vote, of any right granted or secured by the federal constitution, of any privilege or immunity of a citizen of the United States, of the right to the qual protection of the laws. Let us take one of these and direct our attention to that; for example, the right of property. The prohibition of the lourieenth amendment commands a state not to deprive any person of property without due process of law. The state may deprive a person of his property by due process of law, but not without it. To deprive without due process is to proceed without law, by arbitrary acts or legislation miscalled law. The State can act only by its corporate officers, and then only in pursuance of State legislation. If a State Governor despoils a citizen he is a simple tresposacer unless there he a State have to use

The State can act only by its corporate officers, and then only in pursuance of State legislation. If a State Governor despoils a citizen he is a simple trespasser, unless there be a State law to justify him. We will suppose, then, a State law to justify him. We will suppose, then, a State law prohibited by this amendment, which law authorizes a certain thing to be done; it is the doing of this thing which Congress may nullify.

We must discriminate among the prohibitions—between those which aim merely at equality and those which aim at other rights. The provision about the right to vote, without

DISPARAGEMENT ARISING FROM RACE, confers no right to voting, but simply provides that, if the right be given to whites, it shall be given to blacks also. Had a similar expression been used in respect to the right to how office, it surely would not have been said that a right to an office was conferred. So it the right to education had been mentioned in the same terms, that would not have been construed to confer the right to be educated.

Upon the whole, it is sommitted that the amendments, taken in their natural sense, do not justify the legislation now under review.

the legislation how under review.

We come now to the second proposition, which is, that if the interpretation contended for were not the more natural one, yet it is at the very least a possible interpretation, and is to be preferred, occause it is the only one conformable to the understanding and purpose of the people, by whom the text was adopted. The general doctrine up to the time of these amendments continued to be that the States were sovereign over their own State concerns. This complex government was curiously contrived to give liberty and safety to the people of all the States. It was lashioned by the people, in the name of the people and for the people. Its aim was to keep the peace among the States and to manage affairs of common concern, while it left the States the entire management of their cown affairs. No man in his senses could have supposed at the formation of the constitution, or can now suppose, that a consolidated government, extending over so much territory and so many people, can last a generation without the destruction of the States and of republican government with them. History is a fable and political pullosophy a delusion it any government of their than monarchical can stretch itself over fifty degrees of longitude and half as many of latitude, with 50,000,000 people, where there are no local governments capable of standing by themselves and resisting all attempts to imperit their self-existence or limpair their authority. The moment it is conceded that Washington may, at its discretion, regulate all the concerns of New York and California, of Louisiana and Maine; that

The AUTOSOMY OF THE STATES has no delence stronger than the self-denial of fluctuating Congressional majorities; at that moment the Republic of our lathers will have disappeared, and a Republic in name, but a despotism in their self-denial of fluctuating Congressional majorities; at that moment the Republic of our lathers will have disappeared, and a Republic in name, but a despotism in the result of the prohibition

race or previous condition of servitude may be enforced by framing and working the machinery of elections, no matter what may be the office or the anction to be filled by the electors. The prothe unction to be falled by the electors. The pronibition against making or en orcing any law
abridging the privileges or immunities of citizens
of the United States may be enforced by framing a
code of these privileges and immunities, defining
the methods of enjoyment, and providing penalties for their violation. And the still more comprehensive pronibitions against depriving any
person of life, liberty or property without due process of law, or denying to any person the equal
protection of the laws, may be enforced by a more
comprehensive code, defining the rights of life,
liberty and property, in all their ramifications,
the processes of law which are to be deemed
due, that protection of the laws which is to be liberty and property, in all their ramifications, the processes of law which are to be deemed due, that protection of the laws which is to be considered equal and the various modes of enforcing the rights of life, liberty and property by remedies civil and criminal. If these numerons and multiform provisions would not caver the whole ground of law, substantive and remedial, it is not easy to see what would be omitted that is contained in the most comprehensive existing ions of corporation ordinances or the regu mensions of corporation ordinances or the regulations of county supervisors. The argument appears to be unanswerable that such was not and could not have been the intention of the American people in sanctioning these amendments, and therefore they should not be thus interpreted, even if the natural significance of their language were, as it is not, favorable to such an interpretation.

Mr. Field, in support of his views, here quoted relation to the amendment, which was delivered by Mr. Justice Miller two or three years ago. Con-

by Mr. Justice Miller two or three years ago. Continuing his speech, he said:—
These extracts from the opinion of the Court, delivered by Mr. Justice Miller, are given at such length, because they are so important in themselves, and dispose of so many of the questions in the present case. Of the three dissenting opinions, two certainly, and perhaps the third, properly understood, contain nothing in conflict with what is here stated. The difference of views among the learned judges of the court was upon the extent of the pronoutions, nor upon the means of enforcing them. If these amendments be understood and applied, as it is here insisted they should, they will prove most beginners in results. The prohibitions upon the States are merely such as every State it is nere insisted they should, they will prove most beneficient in results. The prohibitions upon the States are merely such as every State constitution should comain for its own Legislature. It is only when the interference of Congress is invoked that the danger begins, and that will cease so soon as it is understood that Congress cannot act until the States have legislated in violation of the prohibition, and then only by way of multilying their action through the courts. I must here close my part of the discussion. The general claim on the part of the idearing overament is nothing more nor less than this—that Congress is clothed with authority to punish in idears courts any persons for agreeing logicities in tention to prevent or mader the free exercise and enjoyment by any citizen of any right or privilege granted or secured to him by the con-

cise and enjoyment by any citizen of any right of privilege granted or secured to him by the constitution or laws of the United States, these laws being not only the three statutes just mentioned, but all other existing statutes, revised and act revised, and all statutes when Cotgress may choose hereafter to pass. This is an assertion of absolution or legislative ommipoience amazing to contemplate, line particular claim in the present case is authority to pullish an agreement between two or more persons to prevent or nineer the free exercise and enjoyment by any citizen of his right to the equal protection of the laws, his right to the equal protection of the laws, his right to hie, liberty and property, unless deprived thereof by due process of law, and his right to vote, without regard to race, color or previous right to the equal protection of the laws, his right to life, liberty and property, unless deprived thereof by due process of law, and his right to vote, without regard to race, color or previous servitude. This is the claim in the present case, reduced to its strictest inmit. It includes, of course, as has been aircady said, the power to define what is the right to the protection of the laws, what is the right to the protection of the laws, what is the right to life, liberty and property, what is due process of law, what is the right to vote. It would be a logical inconsistency to pretend that a government can clothed its courts with authority to publish for crime without authority to say in what that crime consists. When the constitution gave congress power to punish purcees and elections on the ligh seas and offences against the laws of battons, it gave slot the power to define them. It is difficult to speak of the protensions upon which this legislation resis in guarded language. It is a relief to time that they are here to be rested by the constitution of the country, without the disturbing influence or party; by that constitution which is above all parties, and which was made not for the use of partisable, but for the sairly and happiness of the whole people, and not for one, but many generations. The first two words of the national motio are as muton a part of it as the last. They have never used changed since their use begin. They have been borden to every battle and on every march, by land or see, in deleat as in victory. They are sain bazoned on our escotticeon and copied on every seal of office. May the motion never on mutilated or cisowhed, I would have it written on the wais of the capitio and of every State house. I would wisn it written on the earlier on the wais of the capitio and of every state on the wais of the capitio and of every state on the words is written as intimute on the every state on the wais of the capitio and of every state on the wais of the capitio and of every state on the wai

## THE CANAL RING.

A Very Good Chance for Noth-· ing To Be Done.

THE RED-HOT ZEAL FOR INVESTIGATION COOLING.

Decision of the Senate for the Appointment of a Commission.

THE M'GUIRE FACTION OBTAIN A JOINT COMMITTEE.

The spirit of accommodation has triumphed in the matter of capal investigation, and everybody is pleased because everybody has gained a vic tory. The Governor has got his commission, while the republicans in the Senate and his demo cratic enemies in the Assembly have saubbed him in according is to him. The McGuire faction have gained an indorsement of their beloved Speaker in the assent of the Senate to the resolution for a joint committee, even though it comes back to the Assembly slightly modified for the concurrence of the House. The republicans are satisfied, because they dictated the final shape of the supposed measures for a better administration of the Canal Department, and the Canal Ring are jovial, for the whole matter is to end in useless investigation. There is a great enance nothing to be done, and it became apparent to everybody, to those who wished to political capital out of investigation as well as those whose first desire is to be let alone, that the best way to do nothing was to affect a red-hot zeal for investigation. Accordingly all the statesmen in both houses met this morning with a high determination not to allow the resolutions for investigation to lag any longer. Senator Woodin was willing to forego the speech upon which he had been incubating for a week. completest investigation that he was vexed in spirit at the thought that the inquiry would go over another twenty-four hours before the committee could be named. Even the Governor, who is apparently the only sincere man in Albany on this subject, was so ready to sacrifice himself and have the snubbing he received from the Senate in the limitation of his nomination of Commissioners nicely ruobed in that Mr. Daly, in his behalf, not only moved the adoption of the resolution as it came from the senate, but prevented any earnest but indiscreet friend of Tilden from uttering a word in the Governor's behalf by interposing the previous question. As I said yesterday there was no chance of the Senate acting upon the House resolution for a joint committee except as the result of a bargain. The bargain was agreed upon and the Assembly was first to give it effect.

MR. DALY'S MOTION. Scarcely had the House come to order this morning before Mr. Daly moved that the Assembly concur in the Senate resolution for a commission to be composed of four persons to be appointed by the Governor, by and with the advice and consent of the Senate. The dose was a bitter one, but as the patient about to take a nauseous graught first shuts his eyes and then drinks it, Mr. Dalv moved the previous question as some assistance in swallowing the obnoxious pill. Mr. Taylor, of Monroe, tried to get the floor to move an extension of the period of the inquiry from 1868 to 1860, but the terms of the bargain would not admit of such an amendment so grateful to the democratic heart and the previous question

choked it. "It was a disagreeable dose," said a statesman from New York, "but we were compelled to swallow it." When the Assembly had completely surrendered to the dictation of the Senate the Senate in turn was ready to give the Assembly some consideration. As soon as the action of the Lower House was known the other branch of the Legislature proceeded to act upon the resolution for a joint committee. But at the very outset it was found that the Senate could not pass this resolution without amendment upon technical grounds, the number of members being in excess it under the rule it was so amended as to reduce the number to three for each house, and it was agreed that the committee should be named by the Speaker and the Lieutenant Governor. Every word of the debate which preceded the adoption of the resolution showed the insincerity which inspired all alike. Mr. D. P. Wood favored the resolution because the committee would be non-partisan, but Mr. Lord very justiy ridiculed the idea of a committee being of the devil was shown in non-partisan simply because it was to be composed. of three democrats and three republicans. The worst frands in New York city, he said, were the result of non-partisan commissions, and the nonacquittal of democratic offenders by the democratic members of the committee and of the republican offenders by the republican members. This unquestionably is the Jesire of all parties and the grand effort is to conceal it by the exhibition of great zeal for inquiry and exposure.

MR. LORD'S ANGER. Mr. Lord was lisping a truth in anger and disappointment that he would have been slow to tell had not his seelings got the better of his judgment, As the resolution first stood in the Senate there was no provision for the appointment of the members on the part of that body, and according to the language of the resolution itself that power was apparently in the Speaker of the Assembly. Attention was called to the oversight, however, before the adoption of the resolution, and a chance for a little fun was spoiled. The resolution as it passed the Senate is comprehensive enough for any purpose, but as the committee is allowed only thirty days in which to make the inquiry and report it is plain to any understanding that it cannot make any very thorough investigation. This would be a very important matter if an investigation was either necessary or important; but as both branches of the Legislature already know as much about canal trauds as they want to learn it will be seen that this resolution completely answers the purposes of everybody opposed to honesty in canal management. The intention now is to embarrass the Governor as much as possible by a failure to afford the necessary remedial legislation, and this failure is to be excused on the ground that the Legislature did everything in its power to effect such legislation in the short time allowed for the purpose as evidenced by the multiplied means of investigation as amended has yet to receive the concurrence of the Assembly, and though there are loud mutterings and defiant threats on the floor of the Lower House, there is not enough courage in the democratic majority of the Assembly to boldly meet the republican dictation of the Senate. They say they will refuse to concur in the resolution as it now comes back to them, but they are not likely to do so when the time comes, and it really makes no difference whether they do or not.

REPUBLICAN DICTATION. After yielding the little point of pride which the Governor mig it naturally feel in naming the commission of investigation free from the republican dictation, the Assembly would only add to the evidence of its own imbeculity if it should concur in amendments which have no importance whatever. The republicans, doubliess, would rejoiced to see the Assembly commit this additional piece of foolishness, but it is difficult to beheve they will be gratified in this respect, though the House is quite capable of gratifying them.

The next thing in order will be the appointment of the commission by the Governor, but it is understood the names of the commissioners will not be announced for a day or two. Already great pressure is brought to bear upon this subject, and even the New York Chamber of Commerce is anxious to suggest one of the members. The Governor receives all suggestions that are made to him, and unnesitatingly declares that he cares very little for the limits loss of the Senate in regard to his nominations, saying he will nominate such men lor

that it would be harardous for the Senate to refuse to confirm them. In this respect he occupies very high ground, and stands in marked contrast to the partisanship and insincerity he has encountered in both houses. But for the fact that he was ready to acquiesce in the action of the Senate there would have been delay in the passage of the resolution, and a disagreement between the Senate and the Assembly which could only have been settled by a conference committee.

Within this state by any person, and must be served by any sheriff or constable when thereunto required. In case of the tailure of any winess so subpounced to obey any sheriff or constable when thereunto required. In case of the tailure of any winess so subpounced to obey any sheriff or constable when thereunto required. In case of the tailure of any winess so subpounced to obey any sheriff or constable when thereunto required. In case of the tailure of any winess so subpounced to obey any sheriff or constable when thereunto required. In case of the tailure of any winess so subpounced to obey any sheriff or constable when thereunto required. In case of the tailure of any winess so subpounced to obey any sheriff or constable when thereunto required. In case of the tailure of any winess so subpounced to obey any sheriff or constable when thereunto required. In case of the tailure of any winess so subpounced to obey any sheriff or constable when thereunto required. In case of the tailure of any winess so subpounced to obey any sheriff or constable when thereunto required. In case of the tailure of any winess so subpounced to any winess as subpounced to any winess and bring him before such commissioners. In the case of the tailure of any winess so subpounced in the case of the tailure of any winess so subpounced in the case of the tailure of any winess as output with the case of the tailure of any winess as output with the case of the tailure of any winess as output with the case of the salter of any winess as output with the case of the tailure of any

ACTION OF MR. DALY.

The plans were matured for such a course, and it was only by the action of Mr. Dair in moving the previous question, undertaken at the instance of the Governor, that they were thwarted. The old army word "demoralized" is the only one that will describe the condition of the more extreme friends of the Canal Ring this morning; but had not the republicans been conceded everything they required it would not have been so easy to have gained even this qualified triumph. As it is the Governor will soon have his commission at before the end is reached. He is to be embar rassed as much as possible, however, by the action of other investigating committees, and the Canal Board to-day contributed something toward that end by appointing an investigating committee of its own. This committee is to be composed of the Lieutenant Governor, the Secretary of State and the Attorney General. What good this committee is to do in its investigating capacity it is not easy to see, but its appointment is another evidence that the zeal for investigation is intended to defeat the Governor's intentions and to make the effort at reform a failure.

THE SENATE EVENING SESSION. Notwithstanding the Senate has disposed of the question, so far as it can act upon it in the direction of investigation, the evening session was set apart for the consideration of the Governor's Message, and was spent in loose and unnecessary talk about canal contracts.

Mr. Parmenter advocated the right, in extremely bad grammar, for nearly an hour; but he enlivened his speech with some little incidents that had a pleasant effect. He said, for instance, that he had been instrumental in obtaining an appropriation of \$5,000 for some necessary canal work. After the appropriation had been secured the work was begun but was so neglected by the danger of being swept away by the spring floods. Meeting the man to whom it had been committed he was asked, in answer to his questions concerning it, waether he expected a public work to be completed on a single appropriation. He also raised a little breeze by informing Senator Lord that the people regarded him as putting himself on the wrong side by taiking too much, especially to a reporter of the HERALD.

MR. LORD ON HIS FEET. This subsequently brought Mr. Lord to his feet, who declared that he was in favor of investigation from the beginning, and that he repelled any insinuation to the contrary. The more solid parts of Mr. Parmenter's speech were a recital of Judge Peckham's decision, already frequently quoted, by which it was determined that it was the duty of the Contracting Board to reject unbalanced pids as fraudulent on their face. Mr. Seikreg followed Mr. Parmenter, and earnestly defended the repubilcan party from any intention to defend any fraudulent canal contract or contractor. He ridiculed the idea of the fault being in the system, when there was fraud in all the public works of the State and the Legislature assisted in its promotion. The fault was in the fact that the laws were not executed, and the remedy was in the conviction and punishment of the engineers, through whom the laws are violated. JACOBS' HAND.

At the conclusion of Mr. Seikreg's speech the committee rose, and the Message would have been referred to the Committee on Canals had not Mr. Jacobs intimated a desire to introduce some resolutions on the subject. He subsequently introduced a bill giving the commissioners to be appointed by the Governor power to subporna witnesses and compel their attendance. The bill also fixes the compensation of the commissioners at \$20 per day for each day of actual service. The bill was read through, and after a brief consideration in Committee of the Whole It was passed. This closed the work of the day upon the canal frauds, and the Senate adjourned.

THE DEBATE IN THE SENATE. ALBANY, March 31, 1875. The Senate resolved itself into Committee of the Whole this evening on the Governor's Canal Mes-

giad the Governor had inaugurated this inquiry into the canal irands. As a partisan he was glad a democratic Governor had inaugurated the re. torm, and was pleased to see so many gentlemen on the opposite side rally to the support of the Executive. He denounced the system of making estimates, saying the craft the manner or making them. Is this system an accident or the result of collusion between the contractors and the employes of the State? There is wickedness in those estimates, which are at the begin ning of the trauds. The engineer who prepares these false estimates is the first guilty one. A periect understanding must exist between the contractor and the engineer. Did the contracting boards discharge their full duty when these fraudulent bids were accepted? The people have a right to require that members of the Board shall

fraudulent bids were accepted? The people have a right to require that members of the Board shall be high-minded, honest men. There is a popular behief that the pubic goose is a bird to be piucked.

A LIFTLE STEAL.

He instanced a case which occurred in his own district. Last wither the sum of \$5,000 was appropriated for a little dock between Troy and Lansingburg. In bassing the spot some weeks ago the speaker had occasion to pass the point where the dock was to be constructed, and found that it had only been half completed, leaving it that way purposely that the spring freshers may carry away all the work done thus far. On meeting the contractor he (Mr. Parmenter) asked way the work was not completed before the winter set in. The contractor replied, "way, you don't expect to get any State work done from one appropriation, do you? We will need one or two more grants to complete the dock." This, Mr. Farmenter said, was a sample of the leeling existing among those contractors. No new laws are needed to remedy this so-called victous system. The constitution is right in requiring the work to be done at the lowest figures. He instanced the case of a bid made by a Mr. Bulaard for work on the Champlain Canal. His bid was the lowest one, but the Board would not give bim the work, believing that the lind was not an honest one, and awarded the contract to another party. Mr. Bullard appealed to the General Term of the Supreme Court in 1861, which body sustained the order of the Contracting Board. Mr. Ballard then appealed to the General Term of the Supreme Court in 1861, which hody affirmed the eccision of the General Term. Only a sustained the order of the Contracting Board. Mr. Ballard then appealed to the General Term of the Supreme Court of Appeals, which body assignment had period. He would have been perpetrated since 1869, and no manile can be torown over the actions of the delinquent officials serving since that period. He would lavor of smissing any officer who would sign such contracts as have been made peuid the

spective neighbors.

MR. SELEREG'S SPEECH.

MR. SELERES SPEECH.

MR. SELERES SMEECHS.

MR. JACOBS' BILLA.

MR. JACOBS' BILLA.

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MR. JACOBS' BILLA.

to be amined by the Comptroller and pant out of the State Treasury.

SEC. 3.—Such commissioners shall have power to ein ploy such experts, agents and other assistants as they shall deem necessary.

SEC. 4.—This act shall take effect immediately.

By Mr. Lord—Relative to the Treasurer of Mon-Adjourned.

THE CANAL CONTRACTS.

BUFFALO, March 31, 1875. A resolution was passed by the Board of Trade, this morning, calling a mass meeting of its mem bers and citizens generally, the object being to indorse Governor Tilden's Message on the canal contracts and frauds. The meeting will be held at eleven o'clock to-morrow morning.

#### THE IMPORTERS AND GROCERS.

A special meeting of the above Board was held yesterday at half-past two o'clock P. M., in then rooms, No. 87 Wall street. Mr. William A. Booth presided and Mr. W. H. Neilson was secretary, The proceedings were opened by the secretary reading the special call under which this meeting was assembled, and the Chairman further explained that the object in view was to elicit an expression of opinion in regard to the action of the state authorities touching the canals and canal

Mr. Charles A. Hill, Chairman of the committee previously appointed for this purpose, read a set of resolutions. He also read the invitation from the Produce Exchange referred to in the resolutions. The report of the committee was received, and, upon motion of Mr. Turnine, the resolutions were adopted. They are as follows:—

The regent prominent author of Governor

Whereas the recent prominent action of Governor Tiden, exposing the long-continued abuses practised in the management of the canni system or this stars, the awarened a sensation of the part of the people that seeking expression through the press and construct mustness organizations of the state and construct mustness organizations of the state and connery; there

nusiness organizations of the State and country; thereiere Resolved. That this Board hearthy approves of the 
course taken by the State Executive in vagorously pointing out the evils now existing, and suggesting the ausption of a proper mode for their reformation.

Resolved, That this Board recognizes the wisdom and 
propriety of the measures understood to be rayored by 
the Canni Board for the reduction of the tolis, and urges 
upon the Legislature its appropriate action.

Resolved, That we recommend to the members of this 
Board their attendance, in mrtherance of these views, 
at a meeting in the Froduce Exchange, to be held on 
Thursday, 1st of April, at two P. M., in accordance with 
the invitation from the managers of that influtution, 
herewith communicated.

After the transaction of some routine business

After the transaction of some routine business and the admission of new members the meeting adjourned.

THE MERCHANTS' MEETING.

The meeting which is to be held at two P. M. today in the Produce Exchange will undoubtedly bee an influential assemblage, and one which will express in its resolutions the unanimous sense of the mercantile community in reference to the management of the canais. It seems from the tone adopted by business men in speaking of the recent message sent to the Legislature by Governor Tilden that they are determined to applaud the Executive and to encourage him in his contest with the Canal Ring, whose existence has so greatly imperiled the business of New York. No Governor has ever by his action cailed such immediate and unanimous commendation from the mercantile classes as will be expressed this afternoon. It is desired by the Committee of Arrangements of the Produce Exchange that the meeting shall be attended by every merchant who can spare the time to be present. It has not been intended that the meeting shall be attended by the committee of arrangements of the Produce Exchange that the meeting shall be attended by revery merchant who can spare the time to be present, it has not been intended that the meeting should be merely an assemblage of representatives of trade societies, empowered to express the sentiments of such association, but of ousiness men generally, the societies being invited formally in order to obtain a more extended notice of the meeting among that class of which they are composed. tone adopted by business men in speaking of the

### THE SCHOOL CONFERENCE.

TO THE EDITOR OF THE HERALD: -The controversy consequent upon the imprudent language of a single clergyman concerning our common schools is at most an incident much to be regretted just now. It occurred at the very moment when steps were taken by the authorities

in the Roman Catholic Church, supported by enlightened and distinguished laymen, to bring about a solution of a formidable and ever threatening difficulty. I would then most respectfully bespeak your own attention as well as the moderation and patience of the public, while the two committees of conference are discussing calmiv. and with a due sense of their own responsibility, the conciliatory plan submitted to there it is not promising too much to the just sense of patriotism and religion of our citizens to assure them in advance that while the most powerful motives urge a thorough and searching examination of the proposed basis of agreement, the Isaus will be such as to bring satisfaction and permanent peace. The scheme of settlement is not an ideal or visionary one; it has worked and is still working most successfully, both in New England and at the South. It is founded on a state of

things satisfactory to all religious denominations in Great Britain as well as in Canada. The prinaltenable right of any parochial society to build its own schoolhouse, provide teachers certificated as competent, both with respect to learning and th morality, and claim from the public fund a sum proportionate to their own pro rata of taxation. This, while allowing the Board of Education its legitimate control over the parish schools, is simple equity; and such a solution is little likely to endanger the peace of the commu nity or to constitute a danger either for the civil or the religious freedom of any class or sect of citizens. Such is the principle which has guided legislation on common schools in countries as enlightened as our own. I do not know how it may be modified or applied here; but I have great faith in the moderation and wisdom of the gentiemen in whose hands the present settlement lies. To their conscientious sense of right and duty wa should leave the matter in its present stage, and turn a deaf ear to the unauthorized famatics woo represent no one but their own theological or po-

# . THE MURDERER SHARKEY.

AN UNFOUNDED RUMOR OF HIS BETURN. A large number of people gathered on the wharf of the Mexican Mail Steamship line last evening. upon the occasion of the arrival of the steamer City of New York from Havana, it having beer currently reported throughout the First ward that the escaped murderer, Sharkey, had been quietly smuggled on board that vessel and brought on to New York. Police Captain Saunders gave orders that the crowd should be kept back; but, as soon as it was known that sharkey was not on board, as it was known that Sharkey was not on noard, the drowd disappeared almost as quickly as it had formed. In conversation with several officers of the City of New York they stated that Sharkey was nourly expected in Havana when they left, and that he would, in all probability, leave for New York on hoard the steamship City of Havana, which was set down to leave Havana on the last day of March.

# UNLICENSED LIQUOR DEALERS.

Captain Saunders, of the Twenty-seventh precinct, with a platoon of police, made a raid on the unificensed liquor dealers last evening, and ar-rested the following, charged on complaint of Excise Inspectors Forbes and Costello with violation of the Excise law :- James Ratigan and E. Corcoran, of No. 8 Broadway; James O'Hearn, No. 20 Greenwich street; Dennis Keenan, No. 42 Greenwich street; W. H. Grimn, No. 113 Greenwich street; H. Dougherty, Ac. 94 Washington street; Patrick Argold, No. 122 Washington street; Dennis Winckly, No. 21 West street; Bichard Skeen, No. 22 West street; P. Higgins, No. 23 West street; Michael Brennan, No. 55 West street; John Gearns, No. 57 West street, and Martha Linden, tearns, No. 3, West street, and sactus annues, No. 3 Albany street. The Inspectors state that these parties have screat times been notified by the Excile Board and by the District Attorney that they would be proceeded against it they neglected to comply with the law, and that they paid no attention to the notice.

# A BOLD THIEF.

A well dressed young man entered the jewelry store No. 71 Third avenue, about eight o'clock MR. JACOBS BILL.

Mr. JACOBS introduced the following bill, which was read a third time and passed, all the Senators present (twenty-four) voling intercory—

Section L—sinther of the commissioners appointed, or who may bereather be appointed to investigate the adairs of the causis of tots tate, in purelines of a four resolution or the Secate and Assembly of 15%, shall have power to issue subpassa requiring the attendance of with-season the production of book and papers before such commissions such subpassa had the production of the area of with-season the production of the control of the control door, jumped into a wagon, and drove rapidly down the area of with-season the production of the or the control of the contr last evening, and asked to see some gold wedding